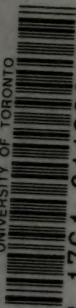



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BY
R. H. KENNETT

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DEUTERONOMY AND THE DECALOGUE

BY

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PREFACE

THE two lectures which are here printed were delivered to different audiences, and were therefore originally independent the one of the other. The subjects of which they treat, however, are so closely connected—it is in fact impossible to study either of them satisfactorily without taking account of the other—that I have ventured to publish them together, in the hope that they may arouse interest in some important Old Testament problems which have hitherto received far less attention than they deserve. Under the circumstances it has been difficult to avoid a certain amount of overlapping; but when the same facts are relevant to two matters of inquiry, it seems better to run the risk of repetition than to omit anything which has a direct bearing on the case in point.

There still remains much to be done in the critical study of the Old Testament. It is true that invaluable work in analysis has been carried out by many scholars, and anyone who attempts a solution of an Old Testament problem enters into the labours of many whom he must regard with all admiration and gratitude, even though he may be convinced that their theories require some modification. It is however no disparagement of the many great scholars who have laboured at the

Hebrew Scriptures to point out that their work has been analytical rather than constructive. But analysis, however sound, is by itself insufficient. If we desire to write the Church History of Israel, we cannot rest content till we are able to shew the motive for the selection of every narrative, and for the promulgation of every law, in connexion with the date to which we assign it. It is not enough to consider a few outstanding facts. Every clause, whether of the law or of the prophets or of the historical books, must be scrutinized with as much care as is given, for example, to the text of the New Testament. In any case it is quite impossible satisfactorily to assign dates to the various parts of the law without taking into account other parts of the Old Testament; and if a fresh survey of the evidence shews that there are still unsolved difficulties in the commonly received critical theory, or that any statement which has hitherto passed unchallenged rests on insufficient evidence, let us boldly reopen the question. We are disloyal to the great pioneers in Old Testament research unless we are prepared to examine, and, if need be, to dissent from their conclusions, as fearlessly as they examined and called in question the traditional beliefs of their time. It is absurd to take refuge in a traditional critical orthodoxy, as though it were more heterodox or more 'wild' to date Deuteronomy in the sixth century B.C., for example, than it is in the seventh. The only question with which we have to concern

ourselves is this: Which theory is true? And in the absence of any external proof that theory alone can be held to be true which can satisfactorily explain all the facts.

I have throughout assumed acquaintance in general with the 'critical' theory of the Pentateuch, and I have accordingly refrained from loading the pages with references in connexion with matters which are not in dispute.

The index I owe to my daughter.

ROBERT H. KENNETT.

ELY,

May 5, 1920.

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THE ORIGIN OF THE BOOK OF DEUTERONOMY

IT is now so generally admitted that the Deuteronomic law with its insistence on the centralization of worship is connected in some way with the reformation carried out by Josiah *c.* 621 B.C., and also that the book of Deuteronomy is the pivot on which Old Testament criticism generally turns, that it is superfluous to offer proof on these two points. It is however by no means unnecessary to discuss the sort of connexion between the Deuteronomic law and the reformation under Josiah, as well as the origin of the book of Deuteronomy itself.

Although a close examination of the historical and hortatory passages of this book shews that what now lies before us contains many insertions by later revisers, it is also evident that the document in which these insertions have been made is not quite homogeneous. Thus, whereas cc. i.-iii. are an historical retrospect, c. iv. not only makes a fresh start—"And now, O Israel, hearken unto the statutes," etc.—but refers (*vv.* 5, 10, 14) to 'statutes and judgments' which have already been taught at Horeb, although the only utterance of Jehovah at Horeb previously mentioned is that in i. 6, "Ye have dwelt long enough in this mountain," etc. The words of iv. 44 f. would naturally be understood as introducing a legal

code, though this passage is perhaps to be regarded as a later editorial note. In any case a new start is made in c. v., the words "Hear, O Israel, the statutes and the judgements," etc. being followed, as we should expect, by a definite body of law, in this case the great decalogue. C. vi. also apparently makes a new start, the injunctions which it contains being put forth without any reference to the preceding decalogue. The hortatory passage beginning at c. vi. (in which several short passages have been interpolated) ends with c. xi., c. xii. beginning afresh with the main body of the legislation which is continued to the end of c. xxvi. C. xxvii. is clearly an appendix, the law with which it opens being given in the name of "Moses and the elders of Israel." C. xxviii., which seems to be a hortatory appendix, is followed in c. xxix. by another hortatory passage introduced by a special heading, while in cc. xxxii., xxxiii. we have two poems of apparently independent origin.

But though the various headings clearly imply successive amplifications of the book, the tone and language of the various prefaces and of cc. xxviii.–xxx. are so similar that they may be regarded as the outcome of one school, and for practical purposes therefore the whole book may be divided as follows:

- (1) i.–xi. historical and hortatory additions by way of preface.
- (2) xii.–xxvi. the legal kernel.
- (3) xxvii. (not homogeneous) a later appendix to the legal kernel.

- (4) xxviii.-xxxi. hortatory appendices.
- (5) xxxii., xxxiii. the poems.
- (6) xxxiv. a later editorial historical note.

Let us first consider the legal kernel xii.-xxvi. The main purpose of this code is the centralization of worship for all Israel, and the unification of Israel on the lines of exclusive worship of Jehovah. Since it is admitted that this centralization of worship must be brought into connexion with Josiah's destruction of the high places, the first question to be asked is this: Is the law of the one sanctuary as given in Deut. xii. the cause or the ultimate outcome of Josiah's reformation? Arguing from the account contained in 2 Kings xxii., xxiii. many people have concluded that it was the book of Deuteronomy itself which was read before Josiah. It may indeed be conceded that the writer (or writers) of these chapters was acquainted with Deuteronomy, and that he supposed Josiah to have been familiar with it also; but even the most trustworthy chapters of the book of Kings are not to be treated as though they were taken from a file of some Jerusalem newspaper. It is quite evident that the account which we possess was not written when all Judah was seething with excitement over Josiah's enactments; and the historian himself looked back (xxiii. 25 ff.) not only to Josiah's successors on the throne, but also to the captivity. If therefore his statements are not those of an eye-witness, but of one who lived *at least* thirty-five years after the events of 621 B.C. and quite

possibly considerably later, there is no difficulty in supposing that his account of Josiah's reign, although based upon a sound tradition, has been coloured by the belief that Josiah as a pious king must have acted in accordance with the Deuteronomic law.

The relation of this law to Josiah's reformation must therefore be considered independently, and it will be well to clear the ground by asking whether it is possible to maintain its priority. If Deuteronomy was the book found in the Temple—assuming that a book of *tôrā* was actually found there—either it had just been written with a view to the existing situation, or it had been composed some time before, but events had made it impossible to put it into practice. Both these hypotheses are however excluded by what we know of the history of Judah and Israel; for whereas Deuteronomy is clearly addressed to *all* Israel (i. 1, v. 1, xi. 24, xii. 5, 14, xviii. 1, etc.), Josiah had jurisdiction only over Judah, and neither he nor any Judæan of his time could have legislated for Samaria. In 2 Kings xxiii. 4 *b*, 15–20 indeed Josiah is represented as desecrating Bethel; but the story of his doings at Bethel is clearly a later interpolation, for it is at variance with the rest of the account (see especially *vv.* 5–8), in which it is clearly stated that Josiah's reformation was limited to Judah, 'Geba to Beer-sheba.' There is no evidence that the province of Samaria, or any part of it, was ever added to Judah, either when it was a kingdom or after it had become a province of the Chaldæan empire. Sennacherib

had actually diminished the territory of Judah, and there is no reason for supposing that his successors, even if they so far reversed his policy as to restore the forty-six fortified cities taken away by him, added to Judah any portion of Samaria. Jeremiah, although on one occasion he makes an appeal to Samaria (iii. 12 ff.), regularly addresses himself to Judah and Jerusalem; Gedaliah is appointed Governor of Judah; Zerubbabel holds a like office, and in Nehemiah's days Samaria is clearly a separate province.

A like difficulty precludes the alternative supposition that Deuteronomy was written at an earlier date, e.g. in order to give permanent effect to Hezekiah's reformation: for though the reaction under Manasseh might have prevented the law of Deuteronomy from being put in force, had it existed at this time, the circumstances of Hezekiah's reign were not favourable to legislation for *all* Israel, even if the enactments of Deuteronomy were compatible with what we know of that period. It may indeed be claimed as an axiomatic principle in an inquiry into the origin of any code of laws, that the enactments of such a code must have been directed towards an existing state of things. Sane men legislate for a situation in which legislation is not only desirable but has a reasonable chance of producing results, not for one which may never arise. It is unnecessary to elaborate this point, a mere enumeration of the outstanding features of the Deuteronomic law being sufficient to disprove the idea that it could have arisen in the

days of Manasseh or Hezekiah or at an earlier date.

The outstanding features are as follows. In the first place there is the limiting of sacrifice (*for all Israel*) to the one altar and the equally revolutionary enactment that the fat and blood of domestic animals need not be offered at the altar.

In the next place it is to be noted (xii. 29 ff., xiii., xvii. 2 ff., etc.) that the people addressed have considerable communities of idolaters living among them, and that the religion of Jehovah is seriously menaced by that of other gods, while the possibility of a holy *civil* war is contemplated (xiii. 12-18, cf. xx. 16 ff.). Apostasy is to be punished by death (xiii. 1-11).

Shaving of the hair on the forehead and cutting of the flesh in mourning is prohibited (xiv. 1), a prohibition which, incidentally it may be mentioned, is apparently unknown in the days of Gedaliah (Jer. xli. 5).

The people to whom the law is addressed do not know by tradition what food is clean and what unclean, but require instruction on the subject (xiv. 3 ff.). The law in this place however appears to have been assimilated to that in Lev. xi., so that it is unsafe to argue from it.

There is no king, but there is a probability that one will be elected, and, strange to say, it is necessary to insist that the king who may be elected by the community generally shall be of Israelite birth.

When elected, he must abjure militarism and polygamy, and must govern on democratic principles "that his heart be not lifted up above his brethren" (xvii. 20).

It is insisted upon that, inasmuch as the Levites have no share in the land of the village communities, they are to be provided for not only out of the sacrificial offerings but by charity (xviii. 2 ff., cf. xii. 12, xiv. 27, 29).

It is specially enacted that a Levite *from any part of Israel* may come to the central sanctuary, and that his brother Levites there are to receive him as an equal (Deut. xviii. 6-8).

The sacrifice of children is absolutely forbidden (xviii. 10, cf. xii. 31).

Three places, increased by a later addition to six, are to have the right of asylum for fugitives from the vendetta (xix. 1-13).

It is necessary to insist that landmarks, *which have stood from time immemorial*, are not to be removed (xix. 14).

Ammonites and Moabites are not to be allowed to become naturalized as Israelites, a privilege which is apparently freely granted to Edomites (xxiii. 3 ff.).

The 'sacred men' and 'sacred women' (קִדְּשִׁים and קִדְּשׁוֹת), who prostituted themselves at the sanctuaries and were part of their *personnel* (2 Kings xxiii. 7), are not to be tolerated, nor is anything which they have earned to be accepted at the sanctuary (xxiii. 17 f.).

The above are some of the outstanding enactments of Deuteronomy: to what period in the history of Israel are they most appropriate? It is scarcely possible to answer this question satisfactorily without taking into consideration the relation of the Deuteronomic laws to the codes attached to the Elohist and Jahvist documents respectively (Ex. xx. 22-xxiii. and xxxiv.) and indeed of these two codes to one another. A detailed examination is here impossible; the significant fact is that the code of Exodus xxxiv. (J)¹, which appears to be an amplification of a primitive decalogue setting forth Jehovah's rights as to ritual worship, appears also in Ex. xx. 22-xxiii. (E), where it is combined with a number of social laws.

There is however one most important difference between the two codes even in respect of a law which they have in common, for whereas Ex. xxxiv. 19, in laying down the rule that all firstlings whether of man or of beast belong to Jehovah, requires the firstborn of men to be redeemed, Ex. xxii. 30 makes no distinction between the firstborn of men and of cattle². That the Elohist document (E) *allowed* the sacrifice of children is elsewhere evident from Gen. xxii. 2 ff.

¹ See *Camb. Biblical Essays*, pp. 95-98.

² This does not imply that at the time of the publication of the Elohist document the sacrifice of the firstborn was or had been the universal practice. No doubt many, probably most people, at all events in times of prosperity, offered a substitute. But there certainly did not exist among those who drew up this document that horror of the sacrifice of the firstborn which we find in Jeremiah.

Another divergence between the codes—though less emphasized—is that, whereas Exodus xx. 24 encourages the building of altars in every place set apart for the worship of Jehovah, Exodus xxxiv. 24, while it says nothing about a plurality of altars, nor insists on a central sanctuary, implies that it may be necessary for people to go some distance for the observance of the great feasts.

The primitive decalogue enshrined in both the E and J documents may well have been accepted in its original form in both N. Israel and Judah from the days of Jehu and Joash; for its main purpose appears to be not so much the reform of worship ostensibly paid to Jehovah, as the repudiation of all worship paid to a foreign god and the insistence on what Jehovah claims from the whole population. It not only enjoined sacrifice both human and animal—which the great prophets of the eighth and seventh centuries denounced as foreign to the true religion of Israel—but also, since it did not forbid the religious prostitution of the sacred men and sacred women, must be understood to have tolerated it. One thing is certain that those against whom the vehement polemic of Hosea and Jeremiah was directed might have pleaded with reference to the requirements of the primitive decalogue of Ex. xxxiv. "that all these things they had observed from their youth up."

That the ritual laws now contained in Ex. xx.-xxiii. once existed as a separate code is evident from the fact that they are found by themselves in

Ex. xxxiv. For what class of people, therefore, was it desirable to issue them in conjunction with a number of social laws? To formulate such a question is to suggest the answer. Judges and elders who administered the law which had been handed down through many generations did not require to have it down in black and white, *so long as the population remained fairly homogeneous*; but in the seventh century, after the deportation of a large portion of the Israelite population and the importation of non-Israelite settlers from various districts, the case was different. The traditional customs of those who came from beyond the Euphrates, for example, would frequently differ from those of Israel; and in districts where those of Israelite birth were in a minority, they might be aggrieved by having forced upon them what they felt to be an infringement of their rights. 2 Kings xvii. tells us of the efforts which were made to win the new settlers to the religion of Jehovah: but it must not be forgotten that uniformity of practice was as desirable in civil matters as in religious.

For such a situation the code of Ex. xx. 22-xxiii. is entirely suitable. It scarcely introduces any reform in the religion of Jehovah: for the only trace of the teaching of Hosea is the prohibition of gods of silver and gold, and in this respect Hosea's teaching had been vindicated by the carrying away of the Golden Calf: but it lays stress upon the minimum that must be required in connexion with the religion

of Jehovah; it aims at making His religion easy by restoring places of sacrifice dedicated to Him, and it gives rules for deciding civil cases, probably in the main based upon the traditional Israelite usage, though modifications may well have been introduced here and there in accordance with the common law of the new settlers. We shall probably be safe in regarding the drawing up of the code Ex. xx. 22-xxiii. as the outcome—not necessarily the immediate outcome—of the opening of Bethel which, if we may attach any weight to Ezra iv. 2, took place in the reign of Esarhaddon. The rest of the E document, the stories of the patriarchs and of the exodus from Egypt, is on this hypothesis to be regarded as a further effort to Israelitize the alien population.

2 Kings xvii. is concerned merely with the re-opening of Bethel, but it is extremely probable that what was allowed at Bethel (which being a royal sanctuary would be most suspect in the eyes of the Assyrian kings) was allowed at other N. Israelite sanctuaries also, if these too had been destroyed, and that, at all events in the latter part of the seventh century, not only at Bethel, but at Shechem, Ophrah, and other sanctuaries also, sacrifice was offered to Jehovah.

Meanwhile what was going on in Judah? We are told (2 Kings xviii.) of a reformation under Hezekiah apparently on the lines of the later reformation under Josiah. Exactly what was attempted or accomplished by Hezekiah it is difficult to decide, for the

account of his reign has taken shape in Deuteronomistic times. One definite fact however stands out clearly, viz. the destruction of the Brazen Serpent, or, more correctly, the Bronze Seraph; from which it may be inferred that the influence of prophets such as Isaiah had at length made itself felt in at least one direction, and that an increasing number of people, albeit not the majority, favoured the abolition of images, 'metal gods' (Ex. xxxiv. 17).

Hezekiah's reformation was to a great extent abortive, but some eighty years later a similar movement was begun by Josiah. What were Josiah's motives? Certainly *not opposition to sacrifice as such*; for though the limitation in the number of altars was almost certain to produce some reduction in the number of sacrifices, sacrifice was still *required of the whole male population three times a year*. The limitation of sacrifice to the one altar did not touch the prophetic repudiation of it, e.g., Amos v. 21 ff. especially 25, Hosea vi. 6, Isaiah i. 11 ff., Micah vi., and, above all, Jeremiah vii. 22. The true motive of Josiah's reformation is to be found in antagonism on the king's part, not to sacrifice, but to the religious prostitution so vehemently denounced by Hosea and Jeremiah, and to the closely associated practice of the sacrifice of the firstborn. The unreformed religion of Palestine from the days of the union of Canaanites and Israelites into one nation was *nature worship*, and for a parallel to it in modern times we must look not so much to Mohammedanism as to Hinduism

and the religions of some African races. No doubt there were some genuine Israelites who always maintained the original pure Israelite faith; for to the end of the kingdom of Judah the Rechabites, who, since they repudiated agriculture, could have had no share in the sacrifices of the great agricultural feasts, remained a distinct community, and what was possible in their case was doubtless possible in the case of others also. But as a general thing the sanctuaries of N. Israel and Judah, although originally connected with the name of Jehovah, were places where the worship of the reproductive powers of nature was carried on with all those rites which we know to have been associated with it elsewhere. Wherever there was a standing stone **מִצְבֵּה** or a sacred tree or pole **אֲשֵׁרָה**, there it was possible to commit in the name of religion what would otherwise be stigmatized as fornication. Since both the bull and the serpent are fertility gods—there is abundant evidence to shew that serpent worship is, in some cases at least, identical with phallic worship—we may take it as certain that Israelite sanctuaries before 621 B.C. were not superior to Hindoo temples.

But the teaching of Hosea, which for the time in N. Israel appeared to be without result, was revived and developed by Jeremiah, and at last, when the latter prophet had been preaching for five years, the conscience of some of the ruling classes was touched, and it was felt that the time had come when religious prostitution must be abolished.

But how was this to be accomplished? Wherever there was a sanctuary, there it was possible to commit as a religious duty that which might otherwise have led to death by stoning. Mere prohibition of the practice would have been futile, for police did not exist, and public opinion would not put down that which was justified by popular superstition. Josiah accordingly determined to get rid of the rooks by destroying their nests. But although in this respect he was sufficiently backed up by public opinion to carry out so revolutionary a reform, there were limits to what he felt it safe to attempt. Jeremiah and some of the prophets might denounce sacrifice, but the overwhelming majority of the people regarded it as a justifiable, if not necessary, practice: and moreover an occasional meal of beef or mutton was an agreeable change in the diet of those who ordinarily sat down to 'a dinner of herbs.' There can be little doubt in view of the subsequent history that the total abolition of sacrifice would have raised a storm of opposition which Josiah, even if he desired it, durst not face. But inasmuch as the kingdom of Judah had been greatly diminished in size by Sennacherib, Jerusalem was the only place where public opinion had seriously to be taken into account. If Jerusalem remained loyal, Nob or Bethlehem might furiously rage—in vain. Accordingly Josiah determined to limit sacrifice to the one sanctuary which was immediately under his supervision, viz. that attached to his palace at Jerusalem,

and to destroy the other places of sacrifice. It was a drastic measure and one which could not fail to cause hardship to places at a distance; for though sacrifice was limited to one altar, it is evident from Lev. xvii. that at the time of the captivity of the sons of Zadok no concession had been made with regard to the slaughtering of domestic animals. No wonder that the reviser of the code in Ex. xxxiv. found it desirable to encourage the peasants to come to the central altar by telling them that no one should 'desire' their land in their absence. In one respect indeed Josiah did endeavour to lessen the hardship caused through his enactments by allowing the priests of the country sanctuaries to come to the temple at Jerusalem. His good intentions in this respect however seem to have been thwarted by the sons of Zadok (2 Kings xxiii. 9, Ezek. xliv. 9 ff.).

Josiah's reformation was thus a compromise between the great prophets who desired a radical reform and the popular prophets who were not anxious for any change, and whose religious ideas are reflected in the stories of JE. That it did not please the school of Jeremiah is evident, not only from the fact that some seventeen years later Jeremiah published, unmodified, prophecies against sacrifice (even though these may originally have been composed before 621), but also from the highly significant fact that the historian of Kings *does not mention Jeremiah at all in connexion with Josiah's reformation*. There must be *some* reason why the greatest religious

teacher of Israel is not named in accordance with perhaps the greatest religious change in Israel, and one effected during the period of his prophetic activity; and the explanation is to be found in Jeremiah's own utterances. He regarded the king's enactments as an unsatisfactory compromise—the good seeds which they contained were sown in the midst of the thorns of sacrificial worship. He considered the attempt to represent sacrifice as divinely ordained—probably having in mind the Jahvistic document—as an audacious lie: “a lying pen of scribes hath wrought falsely” (Jer. viii. 8). He spoke of the king with respect after his death (xxii. 15 f.), but it was as an honourable, upright man, and not as a religious reformer.

We are told nothing directly of the religious condition of Judah in the period immediately following the reformation of 621, but indirectly we learn a good deal. It is evident from the book of Jeremiah that numerous heathenish practices went on more or less openly (cf. also Ezek. viii.). At Jerusalem the arrogance of the sons of Zadok, who had succeeded in degrading the country Levites to a lower rank, must have been the cause of many heartburnings, besides inaugurating a sacerdotalism more rigid than had formerly been the case. But though the reformation did not immediately secure all that Josiah aimed at, its effect was immense. Whatever evasions of the king's regulations were contrived, the horrors of nature worship were now definitely illegal. Those

who lived at a distance from Jerusalem were constrained to keep sabbath in places where apart from the smell of burnt fat and the reek of warm blood they could listen to the prophets speaking of what Jehovah really required. No doubt the first result of the limiting of sacrifice to one altar was that a certain number of people in remote districts were disposed to take the law into their own hands, and to kill domestic animals as though they were not sacred. Probably the sacerdotal party at Jerusalem before the exile were from time to time scandalized by reports which they received of the doings in outlying districts, sheep and oxen slaughtered without any ritual pouring of the blood upon the altar. It is significant that one of the charges which Ezekiel (xxxiii. 25, cf. Lev. xvii.) brings against Judah is 'eating with the blood'; and since such a practice seemed to aim a blow at all sacrifice, it would naturally be resisted not only by the sons of Zadok at Jerusalem, but also by the reactionary prophets who were opposed to all Josiah's reforms, and who would insist on the fact that the patriarchs had been punctilious in sacrificing, even if the altars which they founded had been destroyed¹. It cannot be insisted upon too strongly that at least till the time of Nehemiah and indeed much later there was as great a difference of opinion among those who professed the religion of Jehovah as there is among

¹ On this hypothesis we have a motive for the story in 1 Sam. xiv. 32-36.

Christians at the present time. To date Old Testament documents on the assumption that the whole Israelite Church advanced in line is to shew a colossal ignorance of human nature. The fact that the Jahvistic document J contains stories of the patriarchs building altars is no proof that these stories had been *collected* before Josiah's reformation. There must have been, on the one hand, prophets who were as vehemently antagonistic to Josiah's law of the one sanctuary, on the ground that it limited sacrifice, as was Jeremiah, on the other hand, because it still required sacrifice. It is not improbable that if we could have questioned Hananiah the son of Azzur, the prophet of Gibeon (Jer. xxviii. 1), and Ahab the son of Kolaiah and Zedekiah the son of Maaseiah (*ib.* xxix. 21), we should have found that the stability of the Chaldæan power was not the only subject on which they differed from Jeremiah. Although the stories contained in the Jahvistic document are far older than the age of Josiah, there is no difficulty in the supposition that, following the lead already given by the compilation of the Elohist document in Samaria, these stories were *collected* after Josiah's reformation by the reactionary party, who were indeed constrained to accept the king's rule, but who were above all anxious that sacrifice should not cease. The decalogue of Exodus xxxiv. probably existed as a code apart from any historical setting, and was now brought into connexion with the story of the Exodus so as to appear

as the law given by Jehovah Himself. On this hypothesis, viz. that J was a recent production, we can understand Jeremiah's emphatic denial (vii. 22) that the law given to Israel at the Exodus was concerned with burnt offering or sacrifice, as well as his indignant declaration (viii. 8) that "a lying pen of scribes hath wrought falsely." *If J had been generally accepted as canonical for any length of time, Jeremiah's denunciation of sacrifice is inexplicable.*

The early years of the sixth century B.C. witnessed a change in the condition of Judah of far-reaching consequences for the development of religion. By three successive deportations, viz. that of Jehoiachin (597), Zedekiah (586) and five years later (Jer. lii. 28 f.) probably in consequence of the murder of Gedaliah, Jerusalem, and perhaps to a somewhat less extent Judah, lost all those elements of the population which in the opinion of the Chaldæan king were likely to cause insurrection. The entire *personnel* of the royal sanctuary, viz. the Zadokite priests, together with the Levites who had been compelled permanently to accept an inferior position, were naturally deported, and the country was left with only one legitimate place of sacrifice at which the temple proper was in ruins, and without a priesthood.

I have given reasons elsewhere (*Journal of Theological Studies*, Jan. 1905) for my belief that the deficiency of priests in Judah was made good by an arrangement between Jerusalem and Bethel, in

accordance with which Aaronite priests from Bethel migrated to Jerusalem, the sanctuary at Bethel being destroyed, and Jerusalem becoming the sanctuary for the two districts which had hitherto been served respectively by the priesthoods of Jerusalem and Bethel. The opposition between Samaria and Judah had all along been political rather than religious, and now that Judah, like Samaria, was reduced to the status of a mere province in the Chaldæan empire, the cause of jealousy was removed. Assuming that the Elohist document (E) is of N. Israelite origin and probably emanated from Bethel, while the Jahvistic document (J) is Judæan, we can on the hypothesis stated above explain the combination of J and E into JE. Judah had gone somewhat further in reform than Samaria, notably in respect of human sacrifice: this made it impossible for Judæans, apart from other considerations, to accept E instead of their own code J. Moreover since Aaronites had not previously had anything to do with Jerusalem, and Aaron, if indeed his name occurred at all in the first draft of J, was only an elder and not a priest, it was necessary that Aaron should be given an official status. In the combined document JE he was therefore introduced alongside of Moses, the reputed founder of the Judæan cult, as a sort of understudy.

The arrangement between Judah and Southern Samaria, though in all probability not carried through without considerable opposition, worked well, and the partial unification of Israel gave rise to hopes of

a more complete national union. There were however difficulties to be faced. On the one hand it was impossible to suppose that sanctuaries in Northern Samaria would close voluntarily, if their priests were to be treated as the Zadokite priests had treated the Judæan Levites; and on the other hand it was evident that if the inhabitants of more distant districts were to be required to sacrifice only at Jerusalem, some concession must be made with reference to the slaughtering of domestic animals. With extraordinary courage the leaders faced the situation. They abolished the rule requiring the fat and blood of such animals to be offered on the altar. With reference to the hitherto sacrosanct fat they laid down no regulations, and with reference to the blood merely stipulated that it should not be eaten, but should be poured upon the ground¹. At the same time they decided that the priests of all Israelite sanctuaries whatsoever should be given equal rights at Jerusalem with the priests already ministering there, and as these were probably Aaronites from Bethel, there was now no longer the hostility against the country Levites which the sons of Zadok had shewn in the days of Josiah.

The result of these liberal measures was that although there still remained heathen communities especially in Galilee and beyond Jordan, the whole

¹ It is not improbable that in this enactment they were only legalizing a practice which had already grown up in districts of Judah remote from Jerusalem.

of the worshippers of Jehovah in what had been the kingdom of N. Israel came into line, and there seemed a prospect of achieving a national unity, more thorough than perhaps had ever existed before. It must not of course be forgotten that, especially in Samaria, the situation had not changed very materially since the drawing up of the Elohist document. The religion of Jehovah still sat very lightly on many who professed it, and who had little knowledge of, and still less respect for, ancient Israelite usage. In matters of food they would often consider clean what to the Israelite was loathsome. Ancient landmarks regarded by village communities of old as sacred, if they proved inconvenient to them, would be removed regardless of immemorial rights. And further, having only just become, so to speak, naturalized Israelites, they were extremely likely if things went wrong—if there were a bad harvest, for example—to conclude that the gods whom their fathers had worshipped beyond the Euphrates were better than Jehovah, so that the danger of apostasy was continually present. On the other hand however there were solid advantages to be gained from political unity, and it seemed possible that in the event of the Chaldæan empire falling to pieces, Israel (i.e. Judah and Samaria with perhaps Galilee and Gilead) might form an independent state, and might be freed from the hateful necessity of paying tribute to a foreign country. It is evident that in the second year of Darius (c. 520 B.C.) the prophet

Haggai *looked for independence for his people through the downfall of the Persian empire*, and both he and Zechariah clearly expected that Zerubbabel would be king. It is possible that the Deuteronomic law concerning the king belongs to the age of these prophets, but it is impossible to date the Deuteronomic code exactly, and similar expectations of Israelite independence may have been entertained at a slightly earlier date, e.g. at the time when Cyrus entered Babylon; for in the downfall of Babylon the hope may have risen that Israel would soon be able to elect a king. In any case it is in the circumstances of the sixth century only—after the acceptance in the country generally of the law of the one sanctuary, and before the policy of Zerubbabel had alienated Samaritan sympathies—that we can find a simple explanation of the law declaring that the king who shall be elected over united Israel must be an Israelite, not a foreigner; for no doubt among the population of Samaria there was to be found more than one aspirant to the throne, of Gentile birth and sympathies, but ready for the occasion to declare himself a worshipper of Jehovah. There is no difficulty in supposing that Egypt still continued to be the evil genius of the Palestinian states, caring for nothing except the stirring up of revolts in Asia, in order that the armies of the east might not invade Africa.

Ammon had made Judah a catspaw at the time of the rebellion against Gedaliah (Jer. xli.), and

Ammon, Moab and Edom are all denounced by Ezekiel (xxv.) for taking advantage of the misfortunes of Judah. It is probable however that Edomites had begun to mingle with the Judæans, and in any case the people of Judah felt that they had more affinity with Edom than with Ammon and Moab.

From the nature of the case we have no information as to the progress of the reforms indicated in Deuteronomy, though it is probable that the legal kernel had taken shape before the governorship of Zerubbabel. That the law of the one sanctuary was not accepted all at once might be inferred from the hypothetical form of the enactment in c. xviii. 6 f. as well as from such an interpolation as xix. 8, 9, and in the case of the important sanctuary of Shechem it is practically certain. For in the appendix, c. xxvii., given in the name of "Moses and the elders of Israel," we find an injunction apparently completely at variance with the central feature of the Deuteronomic legislation, viz. the law of the one sanctuary. The statement that twelve stones are to be set up on Ebal, plastered and inscribed with the words of the law, and that an altar is to be built and sacrifices offered thereon, can only mean that at least on one occasion, in spite of the centralization of worship at Jerusalem, sacrifice was allowed at Shechem. Shechem like Bethel was of peculiar sanctity: for not only were its standing stones traditionally ascribed to the days of the conquest of Canaan, but

it claimed to be the burial-place of Joseph. The desecration of Bethel—if there is any sound tradition underlying the wrongly dated account of 2 Kings xxiii. 15–20—had been accomplished with disgraceful outrages, but now a more liberal spirit prevailed. The venerable stones of Shechem were not destroyed, but were made to witness to the new law; and on the altar of Shechem a solemn sacrifice was offered, perhaps for the last time, by which the Shechemite population entered into a compact to keep the law with the rest of Israel. It is significant that Deut. xxvii. 9 (probably a somewhat later addition to the opening paragraph of the chapter) reiterates the statement of xxvi. 16 f. It seemed that through the unification of Israel effected by the reformation the curse which Hosea had foretold had at last been removed. Whereas Israel had wellnigh ceased to be Jehovah's people, He had now avouched them to be a peculiar people to Himself; they had at length become the people of Jehovah their God.

A comparison of the book of Deuteronomy with JE, viz. the document produced by the Jahvistic and Elohist documents, shews clearly that Deuteronomy was intended not as an amplification of, but rather as a substitute for, the latter. It is obviously illogical to leave on the statute book the law which is superseded side by side with the law which supersedes it, and nothing would be gained by adding a *résumé* of the story of the wilderness wanderings immediately after the original narrative. The fact that the

historical retrospect of Deuteronomy begins not with creation nor with the patriarchs is significant, for to the prophets the starting-point of Jehovah's dealings with Israel is the exodus from Egypt (see e.g. Amos iii. 1, Hosea xi. 1, Micah vi. 4, Jeremiah ii. 6). Amos, it is true, refers to Isaac, and Hosea knows traditions of Jacob, but he refers to them apparently rather by way of parable than as history concerning the whole nation. An additional reason for omitting altogether the stories of the patriarchs contained in JE may be found in the fact that these stories lent support to the very practices which the reformers desired to suppress, viz. the building of altars and the erection of *maṣṣēbhôth*.

And if Deuteronomy be intended not to supplement but to supersede JE, we see at once the motive of the Blessing of Moses (Deut. xxxiii.) as contrasted with the so-called Blessing of Jacob (Gen. xlix.). Deuteronomy marks an era of idealized nationalism. An attempt is being made, in the words of a later prophet, "to raise up the tribes of Jacob and to restore the preserved of Israel." In the earlier poem, Gen. xlix., we have a composition based apparently on folk-songs or popular sayings about the tribes. These folk-songs, for the most part, would seem to have been originally collected in central Palestine, whence they were chiefly derived, and to have been worked up by a Judæan poet who took care to make it clear that the encomium on Joseph was not to be understood as implying any superiority to Judah.

The emphasis on the fact that it is Judah who is to receive the praises of his brethren¹ and Judah who is to retain the sceptre² is very remarkable. Further, in Genesis xlix. no attempt is made to idealize the tribes: Reuben, Simeon, Levi, Dan and Benjamin are represented as by no means lovable, and there is a jibe at Issachar. In Deut. xxxiii., however, we see the tribes not as they have been in the past, but as the Deuteronomic poet would have them. Whereas in Genesis xlix. the downfall of Reuben is looked for, in Deut. xxxiii. hope is expressed that the tribe may not be exterminated. In the case of Levi instead of a treacherous and murderous secular tribe we have a fine ideal of a priestly caste who will give decisions in absolute justice. Benjamin will no longer ravin as a wolf, but will be blessed in dwelling in proximity to Jehovah's habitation. There is, apparently, no longer any hope of the restoration of Simeon as a separate tribe, but Zebulun and Issachar, who in the past have been isolated from their brethren the other Leah tribes, will, the poet hopes, play a more prominent part in the national life of Israel, and will be zealous in bringing the tribes of Israel—and perhaps non-Israelite peoples—to worship at Jehovah's mountain³.

¹ יהודה אתה יורוך אחיך.

² לא יסור שבט מיהודה ומחקק מבין רגליו.

³ The text of v. 19 is almost certainly corrupt, for the indefinite הר is scarcely possible. The rhythm however is good, and the corruption does not appear to be very deep. Perhaps we might read הרך, viz. 'Thy mountain.'

Dan will re-establish Israel's claim to Bashan, and Gad will frustrate the covetousness and arrogance of the hated Ammon and Moab.

It is however in the poet's treatment of Judah and Joseph that we see most clearly the date of his composition and the direction in which his sympathies lay. He expresses no hope for the retention of the sceptre by, or for its restoration to, Judah, but he prays that Jehovah will hear the voice of Judah, and will bring him in unto his people. This has indeed been explained as indicating a desire on the part of Judah to be reunited with the larger Israel; but there is no trace of such a desire elsewhere in the Old Testament. As long as the kingdom of Judah lasted, the Judæan people were loyal to the dynasty of David; and although they would, doubtless, have been perfectly contented to have the other tribes united with them, they were not in the least eager to be united with the other tribes. A much more natural explanation is that Judah is in exile, and is praying to be restored to its own people in Palestine. It is true that by no means the whole population of Judah had been transported to Babylon¹, but all the best elements had been carried away, and the exiles

¹ It is very difficult to form at all an exact estimate of the number of the exiles, for the earlier account in Jeremiah lii. 28 ff. which, notwithstanding a difference in the reckoning of the years of Nebuchadnezzar, must refer to the same transportations as are described in 2 Kings xxiv.-xxv., represents the numbers of those who were carried away as very considerably less than does the latter account.

evidently regarded themselves as the true Judah rather than the population which remained behind¹. It must be remembered that until the last quarter of the sixth century B.C. the province of Judah was still bleeding from the blows inflicted by Nebuchadnezzar², whereas in the province of Samaria a long period of peace had followed the transportation of the Israelite inhabitants, and the settlers who had been introduced by the Assyrian kings had had time to take root, and to become to a considerable extent naturalized. While Judah was desolated and decimated, Ephraim, if need should arise, could put into the field its ten thousands, and Manasseh its thousands. In the poem in praise of Joseph which the Jahvistic writer incorporated in the so-called 'Blessing of Jacob' preeminence above his brethren was indeed claimed for Joseph, but the Jahvistic writer himself, although he accepted the eulogy on Joseph, made it clear that in his opinion it was Judah not Joseph that was actually the chief of all the tribes. In the sixth century B.C. however, Judah could no longer rival Joseph. Force of circumstances had established Joseph's claim to be leader, and if Israelite independence should ever become an accomplished fact, the Joseph tribes were marked out as best fitted to give the people a king.

All this is in entire harmony with the rest of the book and with a date in the middle of the sixth

¹ See Jer. xxiv. and xxix., and Ezekiel xi. 14 ff.

² See Zech. i. 12.

century B.C. Clearly the descendants and successors of those who had resisted for centuries the claims of the house of David were unlikely to contemplate a Judæan king of all Israel. The religious reunion of Samaria and Judah had become possible only when the house of David and the Zadokite priests had been carried into captivity, and it is noteworthy that with the return of Zerubbabel friction between Samaria and Judah began at once. It is a most remarkable and most significant fact that Deuteronomy, while evidently contemplating that Jerusalem shall be the one legitimate sanctuary, is interested in central Palestine rather than in Judah. In substance it rests on E rather than on J, and in its warnings against idolatry appears to have especially in view the population of Samaria rather than of Judah.

Similarly in Deuteronomy xxxii. we have a hortatory poem which, though probably of independent origin, is entirely in harmony with the rest of the book. Israel, the poet maintains, has suffered because of its past sin and perversity in not recognizing its peculiar relation to Jehovah who has so blessed His people. There has been an outbreak of newfangled idolatry (*v.* 17, cf. 2 Kings xvii.). Nevertheless Jehovah will not entirely cut off His people, and will help them against their enemies. Apparently the possibility of a war of independence is contemplated (*vv.* 40-43) in which, it is believed, Israel will be successful.

If the book of Deuteronomy had consisted only

of the legal kernel (cc. xii.-xxvi.), it would have marked a new epoch in Palestinian religion. But the preface, which for our present purpose may be treated as homogeneous, shews a religious development still more wonderful. As has been stated above, Jeremiah had been wholly dissatisfied with Josiah's reformation. He had absolutely denied that sacrifice was ordained by Jehovah: and accordingly those who cherished his teaching—though their opposition to sacrifice was probably lessened when it had been stripped of its most heathenish associations—could not be satisfied with the retention of the old decalogue of Ex. xxxiv., which required people to observe the great sacrificial feasts, and forbade them to keep the sacrificial fat till the next day or to seethe the kid in its mother's milk, but said nothing about the weightier matters, justice and mercy and truth.

The idea that what Jehovah insisted upon from Israel was summed up in ten sayings had become deeply rooted in the minds of the people; and accordingly the school of Jeremiah, who on the whole were probably now willing to assent to the compromise which had been adopted, drew up a new decalogue containing only two precepts of the original decalogue (*viz.* the prohibition of the worship of other gods and the command to keep the sabbath) together with the commandment against image worship with which it had been amplified. In this later decalogue there is only one ritual ordinance,

viz. that of sabbath observance, and even this is interpreted as a humanitarian measure, "that thy manservant and thy maidservant may rest (יְנוּחַ) as well as thou." Doubtless however other considerations made the retention of the sabbath desirable; for if people were to be able to hear the prophets and learn the truth of Jehovah, some holy day was essential.

"I spake not unto your fathers," says Jeremiah (vii. 22), "nor commanded them in the day that I brought them out of the land of Egypt, concerning burnt offerings or sacrifices: but this thing I commanded them, saying, Hearken unto my voice, and I will be your God, and ye shall be my people: and walk ye in all the way that I command you, that it may be well with you." Here then in the decalogue of Deut. v. we have the reiteration of Jeremiah's teaching. It was not of burnt offering or sacrifice that Jehovah spoke to His people in the ten words here given, but of justice, mercy and truth; and immediately after the decalogue comes the emphatic statement (v. 22), "*It was these words that the Lord spake*¹ unto all your assembly out of the midst of the fire, of the cloud, and of the thick darkness, with a great voice: *and he added no more*²." He delights not in the blood of bullocks or of rams or of he-goats, that He should have commanded the horrors of

¹ את הדברים האלה דבר יהוה.

² ולא יסף.

sacrificial worship. "And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God, to walk in all his ways, and to love him, and to serve the Lord thy God with all thy heart and with all thy soul, to keep the commandments of the Lord, and his statutes, which I command thee this day for thy good¹?" "For this commandment which I command thee this day, it is not too hard for thee, neither is it far off. It is not in heaven, that thou shouldest say, Who shall go up for us to heaven, and bring it unto us, and make us to hear it, that we may do it? Neither is it beyond the sea, that thou shouldest say, Who shall go over the sea for us, and bring it unto us, and make us to hear it, that we may do it? But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it²."

¹ Deut. x. 12.

² Deut. xxx. 11-14.

THE DECALOGUE

THOSE who have been brought up in the Anglican communion have been taught in childhood, first, that the Commandments of God which they are bound to keep are ten in number, secondly, that they are "the same which God spake in the twentieth chapter of Exodus"; and this teaching embodies the belief not only of the Church of England, but of all Christians as well as of the Jews. It is however noteworthy that the familiar phrase 'the ten commandments,' or, more correctly, 'the ten words,' or 'the ten sayings,' does not occur in the twentieth chapter of Exodus with reference to the body of precepts there found, but in Deut. iv. 13, x. 4 with reference to a different recension of those precepts (which is given at length in Deut. v.), and also apparently in connexion with a totally different collection of laws in Exodus xxxiv. 28. It is generally agreed that Exodus xxxiv. must be associated with the Jahvistic document J, and that Exodus xx.-xxiii. belongs in the main to the Elohist document E, though there are strong reasons for excluding from this latter Ex. xx. 1-17.

Except on the assumption of a violent and inexplicable dislocation of Exodus xxxiv. 27 f. it is impossible to explain the phrase there found, 'the ten sayings,' otherwise than as a reference to the injunctions which immediately precede; for *v.* 27 which

follows the last of these injunctions is as follows: "And Jehovah said unto Moses, Write thou these words: for after the tenor of these words I have made a covenant with thee and with Israel." Clearly, the precepts given in the preceding part of the chapter are regarded as the basis of the covenant, and they must therefore be the same which are referred to in the following verse, "And he wrote upon the tables the words of the covenant, the ten words."

But do the injunctions of Exodus xxxiv. form a decalogue? From *v.* 10 and the verses which immediately follow a casual reader might suppose the passage to be intended primarily to teach that inasmuch as Jehovah is making a covenant with Israel, no covenant may be made by Israel with the pre-Israelite inhabitants of Palestine. A further reading however will shew such a supposition to be erroneous; for though *v.* 17, "Thou shalt make thee no molten gods," might be understood as an explicit warning against one part of Canaanite practice, the following verse, "The feast of unleavened bread shalt thou keep," does not read like a polemic, nor do the injunctions which follow it. Some at least of these injunctions evidently have nothing to do with the hortatory passage in *vv.* 10 ff., and would appear to belong rather to a code of laws regulating Israel's worship. We must therefore inquire whether it is possible to isolate such a code from its present setting. Certainly verses 12, 13, with their warning against friendly intercourse with the non-Israelite

inhabitants of Palestine and with their insistence on the destruction of all that savours of Canaanite religion, do not appear naturally to belong to such a code, nor do verses 15, 16. The prohibition of the worship of any other gods however in *v.* 14, though perfectly in harmony with a warning against heathen practices, would not unnaturally stand in any code setting forth the requirements of Jehovah as against other gods; it is therefore probable that this prohibition is to be regarded as the introductory commandment (or part of it) of such a code as we have postulated, and we may accordingly reckon it as the first Commandment (or rather 'Saying').

Verses 15, 16 are clearly part of the warning contained in *vv.* 10-13; in *v.* 17 however we have a prohibition of molten gods, which is unconnected with the preceding verse, and which we may therefore reckon as Saying II.

Verse 18, of which the latter part is an explanatory addition, will then be III, and *v.* 19, to which *v.* 20 is a rider, will be IV. The last sentence of *v.* 20, "And none shall appear before me empty," might be regarded as an independent injunction, especially as it is found also in Ex. xxiii. 15 as well as in Deut. xvi. 16; but inasmuch as in the last two passages it occurs in connexion with the three obligatory feasts, it is probably not to be regarded as a separate 'saying' though as a general rider it *may* have formed part of the original decalogue.

Verse 21 setting forth the law of the sabbath will

then be Saying V, and *v.* 22, with its injunction to keep two quite distinct feasts, must be regarded as made up of Sayings VI and VII. Verse 23 merely sums up Sayings III, VI and VII, and is not a distinct injunction, while *v.* 24 is a rider added by way of encouragement to those who feel a difficulty in obeying these Sayings.

Verse 25 contains two distinct injunctions, and must therefore be regarded as made up of Sayings VIII and IX, and the same is true of *v.* 26, which gives us X and XI.

The following verses, however, which, as we have seen, clearly refer to the foregoing enactments, definitely state that these were *ten* in number; it is therefore evident that the original decalogue must have been expanded by the addition of another 'saying'. It is not difficult to discover which of the eleven is the intruder, for in the case of ten of them the historical books of the Old Testament record no practice as existing in primitive times among the worshippers of Jehovah which is at variance with them. The prohibition of molten gods however could not have been recognized in Judah so long as the worship of the Brazen Serpent or Seraph existed in the Temple at Jerusalem, and we may therefore conclude that the prohibition of such worship was not published before Hezekiah's destruction of the image, which took place probably in, or shortly after, 701 B.C.

Having thus reduced our code to ten precepts,

we may inquire where and when it originated. Since it makes obligatory the feast of unleavened bread (which would not be forthcoming in the wilderness) as well as two other agricultural feasts, the firstfruits of wheat harvest and the feast of ingathering at the end of the agricultural year, which would be meaningless in the desert, it cannot be assigned to a period before the conquest of the land of Canaan. There is indeed in the code nothing incompatible with the practice of Israel, so far as we are acquainted with it, in the days of the Judges; a practice, however, does not necessarily originate in a law, for the law may be intended to maintain a practice which is in danger of being discontinued. So far as we can infer from the oldest documents dealing with the period of the Judges, there was in that age no central authority which would have been likely to draw up a code of laws for all Israel or even for any considerable part of it; nor is it at all probable that in those days a code insisting on *Jehovah's* rights would have ordered the observance of feasts which in their origin were clearly Canaanite. We must seek the drawing up of this primitive group of ritual laws in an age which had forgotten that much connected popularly with the worship of Jehovah was not Israelite but Canaanite in origin, and which was nevertheless afraid that this worship, which was Israelite only in name, might be eclipsed by cults avowedly not associated with Jehovah. In a land like Palestine divided up into a number of small

kingdoms whose populations spoke practically the same language, migrations from kingdom to kingdom must have been fairly common, and indeed the Old Testament itself furnishes abundant proof that this was the case¹; accordingly, since household gods were evidently almost universal (cf. Gen. xxxi. 30 ff., xxxv. 1-4, 1 Sam. xix. 13), immigrants into the land of Israel would frequently have in their houses gods for whom no connexion with Jehovah was ever claimed. These foreign cults were however unofficial, and probably did not seem to menace the religion of Jehovah. But in the days of Ahab, so far as we can judge from the late account of his reign given in the book of Kings, an attempt was made to give official recognition to the worship of the Tyrian Baal—not in the form in which that worship had long existed in Israel, that is to say, disguised with a thin veneer of Jehovah worship, but as a distinct cult. We may be certain that Ahab's attempt would be opposed by those elements of the population that still cherished memories of the purer religion of the wilderness sojourn; it is, however, doubtful whether these would have been numerically

¹ Thus Samson has close relations with the Philistines; Naomi's husband, Elimelech, migrates with all his family from Bethlehem to Moab; David leaves his father and mother under the protection of the king of Moab; he himself with a considerable band of men goes over to the king of Gath; Absalom stays three years with the king of Geshur; David and subsequent kings of Judah have a bodyguard of Philistine mercenaries who presumably have their own families in Jerusalem; Solomon imports Phœnician builders; the Shunammite hostess of Elisha makes a seven years' stay in Philistia.

strong enough to effect anything against a cult which appealed as strongly to ancestral superstition as did that of the Tyrian Baal. But besides those whose higher religious feeling would be shocked by the cruelties and horrors of Tyrian Baal worship, there were others whose opposition would be based on far lower grounds. A man who sacrificed to the Tyrian Baal was not likely to sacrifice much, if at all, to Jehovah: and since the priests' livelihood depended on the sacrifices, and the appeal of Demetrius in every age falls on not a few sympathetic ears, it would not be surprising if the cult introduced by Ahab and Jezebel were opposed by many whose own religious ideas were superior to Baal worship only in their being connected with the name of Jehovah. When we remember the pecuniary interest which the priests of Jehovah's sanctuaries had in getting rid of Baal worship, as well as the tremendous influence which the priests exercised, the fall of Omri's powerful dynasty in the revolt led by Jehu becomes perfectly intelligible.

It would appear, then, that in the time of Jehu, the attempt to introduce the worship of the Tyrian Baal alongside, and as distinct from, that of Jehovah was finally frustrated; and it seems natural to conclude that the age which suppressed Baal worship, and insisted on Jehovah's rights as the God of the land, should take care to safeguard those rights against any recrudescence of a foreign cult. To such a situation the decalogue enshrined in Exodus xxxiv.

is altogether suited. It affirms that Jehovah alone is to be worshipped in Jehovah's land: it regulates the feasts and holy days to be observed in His honour: it insists that He is entitled to the firstborn of men and beasts and to the first of the firstfruits: it forbids certain practices which had perhaps been introduced by foreign influences, such as the association of leaven with sacrifice (cf. Amos iv. 5, Hosea iii. 1), the leaving unconsumed till the next day of the sacrificial flesh, and the seething of a kid in its mother's milk.

It will doubtless be objected, however, that Exodus xxxiv. is a Judæan document, whereas the *provenance* of a code drawn up in consequence of Jehu's activities should rather be looked for in N. Israel. As a matter of fact, however, the same decalogue is found also in the N. Israelite document Ex. xx. 18-xxiii. where it occurs in combination with a number of other injunctions, for the most part *mishpātīm* of which the best translation is perhaps *common law*. In the case of some of the 'words' the two documents are identical; in the case of others some modification of the original appears to have been adopted in one or other of the codes. Thus the prohibition of the worship of any other gods which in Ex. xxxiv. 14 appears in the form, "Thou shalt worship no other god," is found in Ex. xxiii. 24 in the form, "Thou shalt not bow down to their gods, nor serve them." (Cf. also xxiii. 13.) The injunction to keep the feast of unleavened bread

is identical in Ex. xxxiv. 18 and xxiii. 15. The law claiming for Jehovah all the firstborn which in Ex. xxxiv. 19 appears in the form, "All that openeth the womb is mine, and all thy cattle that is male (read **הַזָּכָר**), even that which openeth the womb of ox or sheep," is read in xxii. 29 b, 30 a as follows: "The firstborn (**בְּכוֹר**) of thy sons shalt thou give to me, and likewise shalt thou do in the case of thine ox, thy sheep (collective)"—the LXX adds, perhaps correctly, "and thine ass" though this addition may be due to the reflex action of xxxiv. 20. Here we cannot fail to be struck by the grouping together on exactly the same level of the firstborn of men and beasts, no provision being made for the redemption of those that are not sacrificed—an omission which is particularly significant when it is remembered that the last quoted law belongs to a document which contains the words "God did prove Abraham, and said unto him...Take now thy son...and offer him for a burnt offering" (Gen. xxii. 1 f.). The law of the sabbath, which in Ex. xxxiv. 21 is as follows: "Six days shalt thou labour (**תַּעֲבֹד**), but on the seventh day thou shalt be inactive; even in ploughing and in harvest shalt thou be inactive," in xxiii. 12 reads thus: "Six days shalt thou do thy work, but on the seventh day thou shalt be inactive; in order that thine ox and thine ass may rest, and that the son of thine handmaid and the stranger may be refreshed." The law of Pentecost which in xxxiv. 22 runs as

follows: "And the feast of weeks thou shalt celebrate (תַּעֲשֶׂה לָּךְ), even the firstfruits of wheat harvest," reads in xxiii. 16 thus: "And the feast of the harvest, the firstfruits of thy work which thou shalt sow in the field"; the verb "thou shalt keep" תִּשְׁמֹר being understood from the previous verse, where it occurs in connexion with the feast of unleavened bread. The law of the feast of ingathering (חַג הָאֲסִיף), which in xxxiv. 22 is given briefly as "And the feast of ingathering, even the revolution of the year" (understand, "thou shalt celebrate"), in xxiii. 16 has the form "And the feast of ingathering at the going out of the year" (understand, "thou shalt keep"), "when thou gatherest in thy work out of the field." The law forbidding the sacrifice of the blood upon leaven is identical in the two codes, except that for תִּשְׁחַט (xxxiv. 25) תִּזְבֹּחַ is found in xxiii. 18. The injunction that the paschal sacrifice must be consumed before the morning (xxxiv. 25) appears in xxiii. 18 with two differences, first that it is the *fat* of the sacrifice which must be consumed (cf. 1 Sam. ii. 15 f.), and secondly that the injunction concerns all the three great feasts, and not the pass-over only. Here the form in xxiii. 18 is probably more original. The last two precepts, viz. that relating to the firstfruits and the prohibition of boiling a kid in its mother's milk, are identical in the two codes.

It has already been noticed that in addition to

this ritual decalogue the code of laws in xx. 18–xxiii. consists mainly of *mishpātīm*, laws relating to society; it also contains however some ritual injunctions which may possibly be an expansion of the decalogue before its combination with these laws. Thus xx. 23 forbids the making of gods of silver and gold (cf. Hosea viii. 4), probably with special reference to the golden bull of Bethel, just as the ‘molten gods’ of xxxiv. 17 refers to the bronze seraph of the Temple at Jerusalem. There is also in the E documents a highly significant injunction encouraging sacrifice on a mere earthen mound in every place consecrated to Jehovah if there be no permanent altar, and insisting that if an altar of stone be constructed, it must be of unhewn stone, and must not be approached by steps (Ex. xx. 24–26).

Having regard to the close agreement in substance, and sometimes in actual wording, between the decalogue which has been postulated as existing in xxxiv. and that which is embedded in xx. 18–xxiii., it seems impossible to deny them a common origin, and the campaign against foreign worship in the days of Jehu appears to be a suitable historical background. The precise relations between the kingdoms of N. Israel and Judah at this epoch are very obscure, but the book of Kings implies that the opposition to open Baal worship, which in N. Israel came to a successful issue in the reign of Jehu, reached its climax in Judah in the reign of Joash; and there is no difficulty in supposing that

a code which had been accepted in N. Israel by the priests of Jehovah was adopted, and perhaps adapted, by those who had a similar object in view in Judah. Furthermore it would be entirely in harmony with ancient practice that a code of such importance should be engraved on some permanent tablets and preserved with the utmost care. The material of such tablets in Israel would naturally be stone; and since the tablets contained so to speak a charter of Jehovah's rights, nothing would be more natural than that they should be placed in the ark or portable shrine which, it may be supposed, had hitherto contained the image or symbol of Jehovah. If such was the case, the transition in nomenclature from 'the ark of Jehovah' to 'the ark of Jehovah's covenant' is easily understood.

It is unnecessary to suppose that at the outset any *supernatural* origin was claimed for the tables of the original decalogue; for since it definitely insists upon sacrifice, any one who repudiated sacrifice must *ipso facto* have denied its authority. It is scarcely conceivable that Amos, Hosea, Isaiah, Micah (whether it be Micah the Morasthite who speaks in chap. vi. or another prophet is immaterial for our purpose) and Jeremiah should have spoken of sacrifice as they do, if they had believed that a decalogue enjoining it had been written with the finger of God¹.

¹ There is however a difference between Jeremiah and the earlier prophets named above in one point which indeed is of the utmost

Nothing is more probable than that an object jealously guarded by priestly custodians should in the popular mind come to be regarded as miraculous; and there is not the least difficulty in supposing that tables of stone which had been hewn and engraved by ordinary workmen in the second half of the ninth century B.C. were thought in the first half of the sixth century to have been written with the finger of God, especially if in the meanwhile the ark and its contents have disappeared¹. It is obvious that a decalogue so handed down would have been regarded as of peculiar solemnity and that any innovation which conflicted with it would meet with strenuous resistance.

It is probable that the primitive decalogue re-

importance in arriving at a conclusion as to the origin of the Pentateuch: whereas Amos, Hosea, Isaiah and Micah have no fear that anyone can bring chapter and verse to disprove their assertions, Jeremiah is aware that in his days a claim is being made that sacrifice was ordered in the days of the exodus from Egypt. When Amos asked, "Did ye offer unto me sacrifice and offering in the wilderness forty years, O house of Israel?" he evidently had no fear that anyone would venture to say Yes; whereas the form of Jeremiah's polemic in vii. 22 rather suggests that he is contradicting an assertion to that effect, "For I spake not unto your fathers, nor commanded them in the day that I brought them out of the land of Egypt, concerning burnt offerings or sacrifices"; and his subsequent words in viii. 8 imply that this assertion has been made in writing: "How say ye, We are wise, and the teaching of Jehovah is with us? But, lo, a lying pen of scribes hath wrought falsely."

¹ It is to be noted that Exodus xxxiv. 27 f. does not represent the writing on the tables as supernatural. Exodus xxxiv. 1, however, which is probably the work of the editor who formed J and E into JE, states that the writing was Divine.

mained the only code of written law in the kingdom of N. Israel so long as that kingdom lasted. Of course this does not mean that there was no other law in the country. The judges and elders doubtless administered justice according to a traditional body of *mishpātīm*, and the priests in like manner would preserve orally a number of *tôrôth*. The decalogue however was the law of public worship, and doubtless any transgression of it was an indictable offence. But with the troubles that fell on N. Israel in the harrying of the country and the deportation of its inhabitants by Tiglath-pileser, Sargon, and, probably, Esarhaddon, many, if not all, of the ancient sanctuaries were destroyed, and the settlers who were introduced by the kings of Assyria would have no reverence for the places which had borne Jehovah's name. They did not know Jehovah's name, and if (as is probable) they learnt to understand and speak Hebrew, they did not drop their own mother-tongue. Not only was the principle jeopardised that no god but Jehovah must be worshipped in Jehovah's land, for which Elijah and Elisha had so strenuously contended; it seemed possible that the religion of Jehovah might even be swamped in the cults brought in by the new-comers. But a scourge of wild beasts—easily accounted for in the circumstances of the time—convinced the immigrants that the gods they had brought with them were powerless against the wrath of the God of the land; and the worshippers of Jehovah took advantage of their panic

to impress upon them the need of conforming to the law and customs of the God of the land (2 Kings xvii.). It is stated that by the express permission of the king of Assyria an Israelite priest was allowed to return to Bethel; and it is likely that what was conceded to Bethel was conceded at least to other great sanctuaries such as Shechem. The newcomers were induced to recognize the God of Israel as the God of the country, though they are said to have still retained much of their old religion, and were evidently ready enough to return to their old allegiance if a bad harvest or some other catastrophe cast any doubt on Jehovah's power to help them. Obviously, it would be of primary importance that these people should be taught the religious law contained in the old decalogue; and it is evident that they could not have been induced to sacrifice to Jehovah without a restoration of Jehovah's altars—for the law of the one sanctuary did not yet exist in either Israel or Judah. But it was not only the religious law which the immigrants required to be taught; for the simplest administration of justice according to traditional law would be impossible in a mixed population having different traditions. It was absolutely necessary that there should be a standard law concerning the ownership of property, compensation for injury, and the like; and this need was met by combining with the decalogue a body of other laws, in the main, probably, in accordance with old Israelite usage, although in

some cases the immigrants may have been strong enough to insist on retaining their old customs¹. The outcome of this endeavour to get a uniform law, for what was now the province of Samaria, is what is commonly called 'The Book of the Covenant,' though it is unlikely that we have it quite in its original form, various modifications, especially in its order, having been introduced when the document in which it was embedded was combined with the Judæan document J. Inasmuch, however, as the religious ordinances of Israel were popularly associated with incidents in Israel's past history, and the chief sanctuaries of Israel were connected with the names of ancient Israelite (or pre-Israelite) worthies, the Book of the Covenant was by itself insufficient. It was necessary that there should be an authoritative statement of the great Israelite traditions of the founding of the sanctuaries and the origin of the law; and accordingly a collection was made of the traditions which had doubtless become fairly crystallized in the northern sanctuaries, and the code of laws, probably with some modifications and expansions, was fitted into this collection, the result being the Elohist document familiarly known as E².

¹ Any resemblances therefore between the code of Hammurabi and the laws of Samaria need not *necessarily* be explained as due to ancient Babylonian influence on Canaan.

² The original scope of this document cannot be determined with certainty. The redactor who combined it with this Jahvistic document allowed himself considerable freedom in dealing with his sources, and the absence from JE of any passage which would be a suitable beginning to E is doubtless due to him.

In the southern kingdom the old decalogue seems to have remained unchanged—with the possible exception of the addition of a law prohibiting molten images, which *may* be as early as the time of Hezekiah—till the destruction of the local sanctuaries under Josiah and the limitation of sacrifice to the one altar at Jerusalem. It would appear that Josiah consulted the *convenience* of no one except the population of Jerusalem, and that he made no concession as to the slaughtering of domestic animals; for the Law of Holiness, which, from its agreement with Ezekiel, may be regarded as *in substance* the law which the sons of Zadok took with them into exile, requires the blood and fat of domestic animals, *wherever slain*, to be offered on the central altar (Lev. xvii. 3-6). Under such circumstances we may be pretty sure that the ritual part of the slaughter of domestic animals would be in danger of being discontinued. Those who lived a long distance from Jerusalem, and desired a dinner party, would be likely to slay their ox or sheep without any ritual offering of blood or fat, and would salve their consciences by the reflection that whatever was irregular in their procedure was the king's fault and not their own. One can well imagine with what horror sticklers for the ancient rule of sacrifice heard of such irregularities, and how readily they would ascribe to the man who did not actually offer the blood carelessness in draining the blood from the carcase. It is significant that one of the

crimes with which Ezekiel charges his people is 'eating with the blood.' (Ezekiel xxxiii. 25, cf. Lev. xix. 26¹.)

It is superfluous to say that Josiah's innovation did not please every one even in Jerusalem. Nothing is more suggestive in the account of his reforms than the absence of any mention of Jeremiah. Indeed Jeremiah could not have acquiesced in the law of the one altar without stultifying himself: for if, as he contended, Jehovah had never commanded sacrifice and did not desire it, it could not become more acceptable to Him by being offered only on the one altar at Jerusalem. In one respect Jeremiah would doubtless be wholehearted with the king, viz. in the desire to abolish the *ἱερὸδουλοι*, the scandal of whom was doubtless the real reason for the suppression of the local sanctuaries. How large a following Jeremiah had we do not know; but though his party was evidently in a hopeless minority, its subsequent influence proves that it was greater than might be supposed from a casual reading of the Old Testament.

In addition to the school of thought led by Jeremiah it is certain that there would be a very considerable number of people—including probably

¹ The motive of the account in 1 Samuel xiv. 32 ff. is not improbably to be sought in a time when sacrifice with the ancient ritual had become difficult. If the source of the account is N. Israelite, such a time would be subsequent to the destruction of altars by the Assyrians and the immigrants whom they introduced; if Judæa, after 621 B.C.

many of the better educated classes—who would be like-minded with the king, and who, while sincerely sympathizing with the royal effort to get rid of the abominations of nature worship, had no desire to discontinue sacrifice.

Lastly, there must have been in the days of Josiah, as there is in every age, a reactionary party; and these, though compelled to accept the king's edict, would doubtless have been willing to go on in the ways of immemorial usage.

Whether at the time of the reform the sons of Zadok belonged in the main to the second party or to the third it is impossible to say. The rôle assigned to Hilkiah in the book of Kings implies that he was a prime mover in the reformation. On the other hand, since the houses of the *ἱερόδουλοι* remained in the precincts of the Temple till the eighteenth year of Josiah, it may be inferred that until that date the majority of the Jerusalem priests had made no strong effort in the direction of reform.

The third party would probably include most of the less educated portion of the community together with the *popular* prophets as distinct from the school of Jeremiah. In this party, as in the others, there would doubtless be various grades of thought, ranging from those who, though by no means desirous of the reformation, were willing to accept it when it was an accomplished fact, to those who were determined, if possible, by hook or by crook, to continue their ancestral customs.

It seems reasonable to suppose that to the better elements of this third party we should assign the compilation of the Jahvistic document J. It should, no doubt, be regarded as a *compilation*, for the narratives of which it is composed had probably crystallized long previously. It need not be supposed that the compiler (or compilers) had any desire of retaining some of the practices which are incidentally referred to ; but it is clear that these things would not have been related exactly in the form in which we have them, if they had excited in the writer's mind any feeling of horror. It is inconceivable that Jeremiah, for example, could have told the story of Judah and Tamar as it appears in the book of Genesis. At the same time an emphatic protest must be made against the too common assumption that a man who holds crude or superstitious ideas about certain matters is incapable of noble sentiments in other respects. The whole history of human thought, whether in the case of races or of individuals, teaches us that it never does advance *pari passu* on all points. The man who is a pioneer in one direction may, in another, lag far behind one whom, in regard to his own particular subject of interest, he stigmatizes as a reactionary fool. The special truth or virtue which comes to one man first comes to another last ; and the tragedy of history lies in this, that the last denounces the first as a heretic, while the first despises the last for his stupidity. Perhaps, if with our present knowledge,

we could be transported to the age of Jeremiah, without abating one whit our veneration for the great prophet, we might nevertheless discover that there was some good thing, some noble aspiration, even in Ahab the son of Kolaiah and in Zedekiah the son of Maaseiah.

The Jahvistic references to sacrifice, however, are not quite on a level with the narratives of the patriarchs' matrimonial ideas or of Judah's relations with a supposed *kēdēshā*. An emphasis is laid on sacrifice and on the institution of sanctuaries which in many cases is quite unnecessary for the main narrative. Thus in J sacrifice is assigned to the very beginning of things in the story of Adam and Eve¹. Cain and Abel sacrifice. Noah sacrifices—though it is to be noted that the flood story apparently did not form part of the original document. Abraham builds altars, lives under trees which were sacred in the age when J appeared, is credited with planting a sacred tree at Beersheba, and makes a covenant with Jehovah by sacrifice. Moses' demand that the people shall be allowed to leave Egypt is on the ground that they ought to sacrifice in the wilderness; and Israel has had priests, apparently all through the Egyptian bondage, inasmuch as they are a recognized order when the people reach Sinai (Exodus xix. 22).

¹ The mention of coats of skin implies the slaughter of animals, and the subsequent account of Abel makes it probable that the writer thought of these as domestic animals.

It is therefore evident that the author or authors of J cannot be classed with the *reforming* party in the days of Josiah ; for a reformer would scarcely have dwelt on the antiquity and venerable origin of those sanctuaries which he wishes to abolish.

Furthermore, as we have seen, the document shews no horror of such an institution as the *ιερόδουλοι*, though, apparently, it is so far influenced by reforming ideas, that it contains no hint of any toleration of the sacrifice of the firstborn, for unlike the Samaritan code E, after the claim that all the firstborn are Jehovah's, it adds the rider, "All the firstborn of thy sons shalt thou redeem¹."

In consequence of the characteristics noted above J has commonly been assigned to a date considerably anterior to the age of Josiah, and there can be little doubt that much which it contains is of great antiquity. But it is not easy to find a situation in Judah before the abolition of the local sanctuaries which would make the compilation of such a document desirable, and, further, while the terms in which Isaiah and Micah refer to sacrifice make it difficult to suppose that there existed in the eighth century B.C. any authoritative document asserting that Jehovah had commanded sacrifice at the exodus,

¹ It is indeed not impossible that this rider was not added in J when it was an independent document, but at the time of its combination with E. On the other hand, if the redactor who combined J and E into JE is responsible for the rider, it might have been expected that he would have added it after the *first* occurrence of the law requiring the sacrifice of the firstborn.

Jeremiah's polemic on the subject (vii. 21 f., cf. viii. 8) implies that such an assertion was being made in his days, but was one which could not be substantiated. Moreover one phrase in Exodus xxxiv. clearly implies that, in its present form at least, that chapter is subsequent to the limitation of sacrifice to the one altar. For immediately after the injunction, "Three times in the year shall all thy males appear before the Lord Jehovah, the God of Israel," we read, "For I will cast out nations before thee, and enlarge thy borders: neither shall any man desire thy land, when thou goest up to appear before the Lord thy God three times in the year." Here it is implied that the altar at which the peasantry may be compelled to worship may be at such a distance from their homes as to make them unwilling to attend the feasts from fear of an invasion during their absence. It is indeed impossible to base an argument for a post-reformation date for J solely upon this fact, since chapter xxxiv. bears evident marks of having been worked over by at least one, and probably more than one, redactor. Thus it has been rightly pointed out that the words which follow the clause, "Behold, I make a covenant" (*v.* 10), are not the natural sequence of that clause, and have affinities with Deuteronomic language, while *v.* 12 in its phraseology is almost identical with Deut. xii. 3, and may be founded upon it. Similarly the words "For I will cast out nations before thee, and enlarge thy borders" have a Deuteronomic tinge. On the other

hand, the clause, "Neither shall any man desire thy land," etc., has no parallel in the book of Deuteronomy where it might have been expected; and whereas Deut. vii. 1 enumerates *seven* nations which are to be dispossessed before Israel, Exodus xxxiv. 11, at least according to the Masoretic text, gives only *six* which appear also in xxiii. 23. A definite solution of the problem is scarcely possible: it is however not improbable that whereas some of the expansions are definitely founded on Deuteronomy, others, though having affinities with Deuteronomic thought, are of earlier date, e.g. the mention of the *six* nations which Deuteronomy makes up to *seven*. The presence of identical phrases in E and J may be due to their introduction by the redactor who combined the two documents: on the other hand, a later editor may have introduced them in the one place because they stood in the other. It is, however, difficult to understand why a Deuteronomic editor, if he were desirous of bringing JE into accordance with D, should insert the encouragement, "No man shall desire thy land," etc., and leave unchanged E's permission for a plurality of altars.

It is unnecessary to discuss here the circumstances in which the Samaritan document E and the Judæan document J were combined into JE¹. The compiler

¹ See the article by the present writer in *Cambridge Biblical Essays*, History of the Jewish Church from Nebuchadnezzar to Alexander, and also Art. *Israel* in Hastings' *Encyclopædia of Religion and Ethics*.

appears to have used his materials fairly freely, but the amalgamated document, as he arranged it, has doubtless undergone modification and dislocation through later developments. Thus, inasmuch as the decalogue of Exodus xxxiv. is represented as a *re-writing* of the words which were on the first, broken, tables, it is probable that the decalogue of E, now altogether mixed up with other laws, both in that document and in JE originally stood as a whole.

It may be supposed that the agreement between Judah and Samaria which produced JE did not concern the whole province of Samaria, but merely that portion of it which had been served by Bethel; for those who lived much farther north could scarcely have been induced to accept Jerusalem as the only sanctuary, if they had been required to offer at the altar there the blood and fat of every slain domestic animal. No doubt both in Judah and in southern Samaria the priests at Jerusalem had found it necessary to wink at the practice of slaughtering domestic animals without the ritual offering of the blood, and in order to induce a wider area to recognize Jerusalem as the one legitimate sanctuary, it was felt desirable definitely to legalize this practice. But in spite of this great concession the new code, Deut. xii.-xxvi., which was drawn up to meet the needs of a wider area and of new conditions made no change in the law that all male Israelites must keep the great feasts; sacrifice remains as obligatory in the Deuteronomic code as in the earlier J and E.

What, we may ask, would be the attitude of the school of Jeremiah to the Deuteronomic code? In the mind of Jeremiah himself sacrifice was a superstition about which there could be no compromise, and in the fourth year of Jehoiakim, some sixteen or seventeen years after Josiah's reforms, he still insisted that Jehovah had not spoken unto the fathers of Israel, when they came forth out of the land of Egypt, concerning burnt offering or sacrifice, and had given them no commandment on the subject, but had merely bidden them to be obedient to Him, and to fashion their lives according to His direction. We can well believe, however, that after the purification of sacrifice from its grosser associations the school of Jeremiah that survived the prophet would not retain the violent antagonism to all sacrifice which he had felt, and might even be willing to acquiesce in the Deuteronomic law. But even so, all who cherished the teaching of the great prophet would at least be determined to insist on the superiority of ethical considerations to ritual matters; and this would scarcely be possible so long as the story of the tables of stone with the ritual decalogue engraved on them remained unchallenged.

That the ark had contained tables of stone was indeed a tradition, if not a memory, which could not be gainsaid. We do not know how or when the ark disappeared from Jerusalem, but Jeremiah iii. 16 is evidence that after its disappearance popular sentiment ascribed to it the greatest importance,

and that it was commonly supposed that the laws engraved on the tables which it contained were the basis of the covenant between Jehovah and Israel. Under these circumstances, in the middle of the sixth century B.C., it would have been impossible for the school of Jeremiah to deny that the ark had contained the conditions of the covenant which Jehovah had made with Israel; and, possibly, no one desired to deny that the tables had been written with the finger of God. But what could not be admitted by those who revered the teaching of Jeremiah and of the great prophets who preceded him was that the finger of God had written any such thing as injunctions to sacrifice regularly and to abstain from seething a kid in its mother's milk, while omitting all mention of the weightier matters of justice and mercy and truth. It was vain to confront them with the document (JE) which in Judah and Samaria had come to be regarded as practically what we should call canonical, for Jeremiah himself had given the lie to its statement concerning the laws engraved on the tables, and had not shrunk from declaring that "a lying pen of scribes hath wrought falsely¹." It was therefore almost inevitable that the school of Jeremiah should declare, not that there had never been tables of stone, but that these tables had been conceived solely with inculcating obedience to Jehovah in shewing mercy and truth.

We may therefore, mentally, put ourselves into

¹ viii. 8.

the position of those who believed that Jehovah's covenant with Israel had been based on ten conditions, and that these conditions had to do only with ethical righteousness. Starting with this assumption we should feel that it ought to be possible to draw up a decalogue which should fairly embody the teaching of the prophets. It must be remembered that the Hebrew idiom with its constant use of *oratio recta* and avoidance of *oratio obliqua* made it as a rule impossible to claim that the words put into anyone's mouth were his *ipsissima verba*; and accordingly those who used the phrase, "Thus saith the Lord," would not in that connexion have claimed to give an exact description of an objective revelation. It would have seemed to a Hebrew perfectly immaterial whether he said, "Thus saith the Lord," as introduction to a long paragraph setting forth his own ideas of Jehovah's requirements, or whether, instead of prefacing one long paragraph, "Thus saith the Lord," was made the introduction to ten short ones. To bring a charge of forgery in such a case is entirely to misunderstand the conditions.

The school of Jeremiah therefore would be under the necessity of setting forth the essentials of religion in ten short paragraphs which should be the basis not only of what we should call religious law but of secular legislation also. It must be remembered that many of non-Israelite descent, who had been induced to declare themselves worshippers of Jehovah, had forgotten neither ancestral gods nor ancestral

customs, and were ready with little persuasion to give up Jehovah for the religion of their fathers. It was but natural therefore that those who desired to set forth Jehovah's will in ten paragraphs retained as the first, with but slight modification, the first saying of the decalogue preserved in JE, putting into Jehovah's mouth the words, "I am Jehovah thy God, who brought thee out of the land of Egypt, out of the house of bondage. Thou shalt have none other gods before me."

But besides the danger of the adoption of the worship of other gods, there was grave cause for anxiety lest the attributes of these gods might be ascribed to Jehovah. If the naturalised inhabitants of the province of Samaria retained the images of the gods which their fathers had worshipped, merely changing their names and regarding them as images of Jehovah, the religion of Israel would again be degraded to the level from which the prophets had striven to raise it. Hence the prohibition of image worship, which both in E and J had been introduced into the earlier decalogue, was retained in a more stringent form with an earnest warning of the disastrous consequence of idolatry: "Thou shalt not make unto thee a graven image," etc.

In Old Testament times no important statement was likely to find credence, unless the person who made it backed it with an oath; and since simple truth-telling, as we understand it, was scarcely regarded as a duty, perjury was terribly common.

Jeremiah complained of the men of his generation that even though they used the oath "As Jehovah liveth," they nevertheless swore falsely (v. 2); and if this was the case with those to whom the worship of Jehovah had descended from their fathers, in Samaria, where foreign heathenism was covered in many places with the thinnest veneer of the religion of Israel, false swearing would be still more lightly regarded. It was essential that there should be one oath which, if falsely taken, should involve the crime of perjury, and it is not surprising that after stating Jehovah's claim to sole worship, and prohibiting any degradation of Him through images, the reformers should insist that His name must be a guarantee of fidelity in the oath, making their third paragraph run thus: "Thou shalt not pronounce the name of Jehovah thy God in falsehood; for Jehovah will not hold him guiltless that pronounces his name in falsehood."

It is a remarkable feature in Jeremiah's teaching that though he denounces sacrifice with scathing sarcasm, he yet desires that the house which is called by Jehovah's name should be revered. Apparently he thought that the Temple should be, in effect, a *synagogue*, a place for prayer and instruction. Certainly he and the more advanced reformers must have felt the necessity of there being some cessation from work, when the toiling population might hear the word of Jehovah. The observance of the sabbath was, no doubt, believed to have come down from

the earliest times ; in a mixed population, however, including many slaves and hired servants not of Israelite origin it would be easy for Israelite masters themselves to keep the sabbath, while compelling their unhappy servants to work seven days a week, and through this crushing drudgery to be excluded from all opportunity of receiving instruction about Jehovah. The old decalogue had, it is true, demanded the observance of the sabbath, no matter how important the work to be done ; but the reformers, in taking over the sabbath law, emphasised and expanded it on humanitarian principles : "Observe the sabbath day, to keep it holy, as Jehovah thy God commanded thee. Six days shalt thou labour, and do all thy work : but the seventh day is a sabbath unto Jehovah thy God : in it thou shalt not do any work, thou, nor thy son, nor thy daughter, nor thy manservant, nor thy maidservant, nor thine ox, nor thine ass, nor any of thy cattle, nor thy stranger that is within thy gates ; that thy manservant and thy maidservant may rest as well as thou. And thou shalt remember that thou wast a servant in the land of Egypt, and Jehovah thy God brought thee out thence by a mighty hand and by a stretched out arm : therefore Jehovah thy God commanded thee to celebrate (לַעֲשׂוֹת) the sabbath day."

This motive for keeping the sabbath day is indeed not entirely original in Deut. v. for the Elohistic document had already given as the reason for ces-

sation from work, "That thine ox and thine ass may rest (יָנוּחַ), and that the son of thine handmaid and the stranger may be refreshed" (Ex. xxiii. 12); but Deut. v. insists that consideration for animals and men is to proceed both from a real sympathy with them and from thankfulness to Jehovah, and thus goes further in lifting the celebration of the sabbath out of the ritual into the ethical sphere.

The fifth heading in the Deuteronomic statement of Jehovah's requirements has no equivalent in the earlier decalogue, though cognate enactments are found in Ex. xxi. 15, 17 (E). It does not teach obedience to the powers that be generally, but inculcates respect only for father and mother, and Bishop Goodrich's deduction from it was scarcely contemplated by those who drew up the Deuteronomic decalogue. There must have been something in the circumstances of the time which made it necessary to lay special emphasis on the duty of children towards their parents, and we have no evidence apart from the Old Testament itself to discover what those circumstances were. At first sight it is somewhat surprising that the subject should be mentioned so prominently, for parents possessed considerable power over their children, and, at all events in the case of daughters, could even sell them into slavery (Ex. xxi. 7). But an examination of the various codes of the Pentateuch shews that in the seventh and sixth centuries B.C. there

must have been a disregard of parental authority which threatened the social system. Thus Ex. xxi. 15 directs that any one who smites father or mother, whether mortally or not, shall be put to death, and v. 17 prescribes the death penalty also for one who reviles (מקלל) them. Lev. xx. 9 (H) has the same rule. Similarly the curious provision in Deut. xxvii. for the declaration of a solemn curse on certain classes of evildoers contains (v. 16) the clause: "Cursed is he that treats with contempt (מקלה) his father and mother." Ezekiel also (xxii. 7) mentions the same sin in his enumeration of the vices of Jerusalem.

It is possible however that the fifth commandment is intended to have a wider scope than the regulations quoted above. Not only is it couched in positive instead of negative language, a peculiarity which it shares with the parallel injunction in Lev. xix. 3 (H), but it is a "commandment with promise," "that thy days may be prolonged, and that it may go well with thee, in the land which Jehovah thy God giveth thee." This promise in different words is found also in Deut. iv. 40, and its antithesis in iv. 26, in a context which is concerned with inculcating loyalty to Jehovah, and to Him only; it is possible therefore that the primary object of the fifth commandment is to prevent any departure from ancestral religion in the direction of heathenism. The idolatry of those who were idolaters by descent could not well be made illegal, but as is evident from Deut. xiv. it was felt

to be possible to make punishable with death any apostasy in the case of those who had been professing worshippers of Jehovah. An illustration of the reformers attitude in this matter may perhaps be found in Jeremiah xxxv. which concludes with the words: "Because ye have obeyed the commandment of Jonadab your father, and kept all his precepts, and done according unto all that he commanded you; therefore thus saith Jehovah of hosts, the God of Israel: Jonadab the son of Rechab shall not want a man to stand before me for ever."

The sixth, seventh, eighth, and ninth commandments need no comment, but the tenth raises more than one question. It is evident that in the case of the first nine precepts a transgressor might be brought before a magistrate; but it may not unnaturally be asked how a man could be prosecuted for *desiring* what was not his own. Here however the translation, "Thou shalt not covet," is scarcely an adequate rendering of the Hebrew. Since Hebrew idiom commonly regards external effect rather than internal cause, **לֹא תַחְמֹד** may fairly be rendered, "Thou shalt not *try to acquire*." This indeed is the sense which the word bears in the passage already quoted, Exodus xxxiv. 24 (cf. Micah ii. 2), and therefore there is no incongruity in the incorporation of such an injunction in a code of laws. It is however by no means certain in what form the commandment was originally drawn up. For apart from minor

variations, whereas in Ex. xx. 17 it begins with the words "Thou shalt not covet (תַּחֲמֹד) thy neighbour's house, thou shalt not covet thy neighbour's wife," etc., Deuteronomy has "Neither shalt thou covet (תַּחֲמֹד) thy neighbour's wife; neither shalt thou desire (תִּתְאַוֶּה) thy neighbour's house," etc. The latter order is strongly supported not only by the LXX both in Exodus and Deuteronomy, but also by the Nash papyrus. On the other hand it must be admitted that the order in the Masoretic text of Exodus xx. seems more natural than that in Deuteronomy v.; for whereas "thy house" (בֵּיתְךָ) may be understood as including the *household*, wife, servants, etc. a prohibition to covet the neighbour's wife does not carry with it a prohibition to covet his house. Moreover, since the decalogue already has a commandment against adultery, it is unlikely that one of very similar import should have been included in a short summary of duty. If the tenth commandment originally consisted only of the clause, "Thou shalt not covet thy neighbour's house," an amplifying and explanatory clause might well be added later in order that there might be no doubt as to the scope of the law; and since "house" might thereafter come to be understood in a restricted sense, the order of the first two clauses might well be changed from the laudable feeling that the wife is more than the house. The introduction of a verb in the second clause both in Exodus and Deuteronomy makes it

extremely probable that the commandment has been amplified from its form in the original draft; and this raises a question which concerns the whole decalogue, viz. Did this decalogue have a separate existence before it was incorporated in Deut. v.? It is by no means improbable that it had; and in this connexion it is noteworthy that the second verb **תִּתְּאוּרָה** in the Deuteronomic recension belongs to the Deuteronomic phraseology; from which we may reasonably infer that the original sayings were couched in the shortest language, and that the amplification is due to the writer of Deut. v. who incorporated it in his exhortation. How long it had been in existence before that incorporation cannot be decided with certainty. It may have been drawn up shortly after the publication of JE as a counterblast to the older decalogue therein contained, or between the drawing up of the code in Deut. xii.-xxvi. and the writing of the hortatory chapters in which that code is embedded¹. In either case we may regard it as the outcome of the teaching of Jeremiah and his great canonical predecessors, and as an attempt to satisfy both the popular belief that Jehovah's law had been given in ten sayings at the exodus from Egypt, and Jeremiah's vehement assertion that the law then given had nothing to do with burnt offering and sacrifice.

¹ Since Deuteronomy was evidently intended to supersede JE (see above, pp. 25 f.) it is natural to conclude that the decalogue of Deuteronomy was intended to supersede the decalogue of JE.

That the whole passage Deut. v. 6-21 is in fact a polemic against an assertion that the decalogue given by Jehovah at Sinai was different in character from the one here set forth becomes evident as soon as the immediately following words are carefully considered. "*These* words Jehovah spake (את־הַדְּבָרִים) (הָאֵלֹהִים דִּבֶּר יְהוָה) unto all your assembly in the mount out of the midst of the fire, of the cloud, and of the thick darkness, with a great voice; and he added no more" (וְלֹא יָסַף). The emphasis is on "*these* words" implying a contrast with other words, and the concluding statement, "he added no more," is meaningless, unless it is meant to exclude the supposition that there were other words spoken by Jehovah on that solemn occasion of equal value to all the congregation of Israel.

It was a great achievement of prophetic teaching, when to a law book, to which in all its enactments they could not unreservedly assent, those who cherished the teaching of Jeremiah and of his great predecessors were able to prefix a preface (or rather a series of prefaces) insisting that Jehovah's requirements were ethical and not ritual. It was not possible entirely to set aside all the customs derived from a more primitive stage of religious belief, but the prefaces to Deuteronomy and the exhortations appended to it reduce these customs to a proportion more in harmony with the prophetic teaching.

It would have been well for the world if the Deu-

teronomic decalogue could have remained unchallenged. That the Palestinian community accepted it as the true version of the Divinely given law may be regarded as certain; for those who drew up the Priestly Code were obliged to accept it, and to put it into the place of honour in the strange medley which they produced when they combined the Priestly Code with the Palestinian documents. But the Zadokite tradition in which they had been nurtured made them desirous that nothing should be left to man's initiative, but that everything should be ascribed directly to Jehovah. It is characteristic of the Priestly Code, for example, that whereas in J the names of the animals and, it may be inferred, of other things also are given by man, it is God who fixes the names of the sky and earth and sea. Accordingly whereas in the Deuteronomic version of the Fourth Commandment the motive is humanitarian, in P the reason assigned for keeping the sabbath is an assertion about God which, it must be admitted, is absolutely unthinkable. Man must keep the sabbath, forsooth, not because he himself needs rest or others need it, but because after six days of God's creative energy there followed one day of absolute inactivity.

I lay stress upon this point, because, in my judgment at least, it is one of several proofs that the rejection of the Pentateuchal law by Christians must go further than is perhaps contemplated in Article vii, at any rate further than is considered

necessary by the majority of English-speaking Christians. The sabbath law in Exodus xx. 8-11 does not merely lay down a ritual precept; it bases that precept on a statement of what is meant to be accepted as a fact, viz. that God *abstained from activity* on the sabbath day. This statement however is directly contradicted by an utterance of Christ—whether His own *ipsissima verba* or put into His mouth by the Evangelist does not affect the present argument—"My Father worketh hitherto and I work" (S. John v. 17). In His teaching about the sabbath Jesus shewed Himself a second Moses, breaking in pieces even the tables of the law at the sight of His people's idolatry. According to Him God's commandments are not ten in number but two; "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength"; and "Thou shalt love thy neighbour as thyself."

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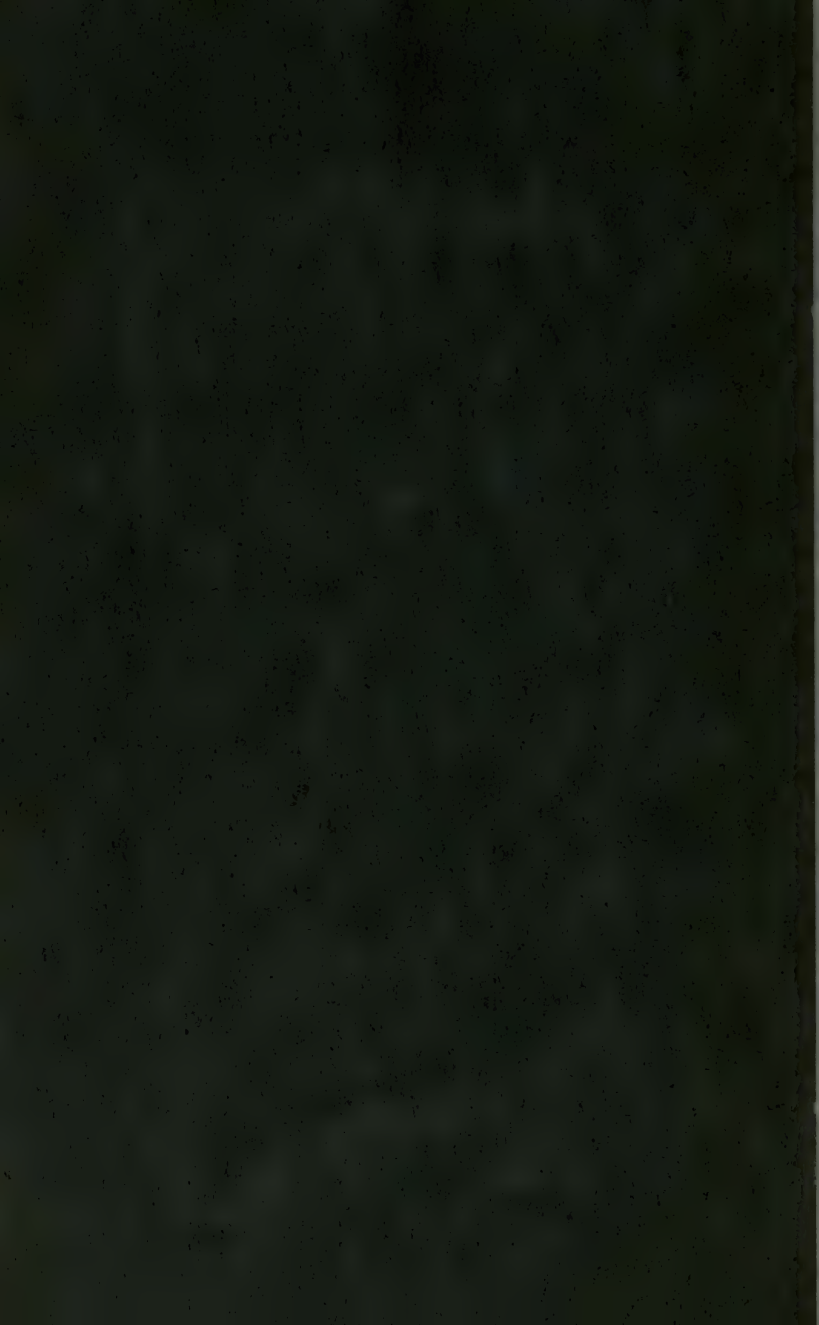
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